

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JAMES GIBSON,)	
)	
Plaintiff,)	
)	Case No.
v.)	
)	Judge
CITY OF CHICAGO, a municipal)	
corporation and former Chicago Police)	Magistrate Judge
Officers ANTHONY MASLANKA,)	
WILLIAM MOSER, JOHN E. BYRNE,)	
LOUIS CAESAR, JOHN PALADINO,)	
HENRY J. LEJA, JEROME RUSNAK,)	
VICTOR BRESKA, ESTATE OF JOHN)	
MCCANN, ESTATE OF JOHN M.)	
MCCARTHY, ESTATE OF THOMAS)	
PTAK, ESTATE OF PHILLIP COLLINS,)	
ESTATE OF JOHN OMARA, and ESTATE)	
OF JON BURGE)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendants William Moser, Henry Leja, John Byrne, and Jerome Rusnak, with the consent of Defendants Anthony Maslanka, John Paladino, Victor Breska, and the City of Chicago, pursuant to 28 U.S.C. § 1441(a) and 1446(a), remove the case captioned *James Gibson v. City of Chicago, a municipal corporation and former Chicago Police Officers Anthony Maslanka, William Moser, John E. Byrne, Louis Caesar, John Paladino, Henry J. Leja, Jerome Rusnak, Victor Breska, Estate of John McCann, Estate of John M. McCarthy, Estate of Thomas Ptak, Estate of Phillip Collins, Estate of John O'Mara, and Estate of Jon Burge*, filed in the Circuit Court of Cook County, Illinois, Law Division, No. 2019 L 005106, to the United States District Court for the Northern District of Illinois, and in support state:

1. James Gibson commenced this action by filing a Complaint (the "Complaint") in

the Circuit Court of Cook County on May 10, 2019, Case No. 2019 L 005106. A copy of the Complaint is attached as Exhibit 1.

2. The Complaint alleges, pursuant to 42 U.S.C. § 1983, “Coerced Confession” (Count I), “Failure to Intervene” (Count II), “Violation of Due Process” (Count III), “False Imprisonment” (Count IV), “Equal Protection” (Count V), “Right to Counsel” (Count VI), “Conspiracy to Deprive Constitutional Rights” (Count VII), “Denial of Access to Courts” (Count IX), and “Monell Claim Against the City of Chicago” (Count X). Plaintiff further alleges “Conspiracy to Deprive Constitutional Rights” (Count VIII) pursuant to 42 U.S.C. § 1985, and the following claims under Illinois common law: “Malicious Prosecution” (Count XI), “Civil Conspiracy” (Count XII), “Intentional Infliction of Emotional Distress” (Count XIII), “Respondeat Superior” (Count XIV), and “Indemnification” (Count XV).

3. Counts I through X allege various violations of Plaintiff’s rights under the United States Constitution, including violations of the First, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments. (*See, e.g.*, Compl. ¶¶ 123, 129).

4. The City was served with summons and the Complaint on May 15, 2019. Defendant Breska was served on May 15, 2019. Defendant Maslanka was served on May 17, 2019. Defendant Paladino was served May 20, 2019. Defendant Moser was served May 24, 2019. Defendants Henry, Byrne, and Rusnak were served May 31, 2019. No other Defendant has been properly served. All Defendants who have been served consent to the removal of this matter to Federal Court.

5. Based on the allegations contained in the Complaint and the reasons set forth above, Defendants are entitled to remove this action to this court, pursuant to 28 U.S.C. § 1441(a) and § 1331, as this matter arises under the Constitution, laws, or treaties of the United States.

Additionally, this Court has supplemental jurisdiction over the claims arising under Illinois law pursuant to 28 U.S.C. § 1367, as they are so related to and form the same part of the same case or controversy as the claims arising under the Constitution or laws of the United States.

6. Pursuant to 28 U.S.C. § 1446(a), Defendants submit all process, pleadings, and orders served upon them in the Circuit Court of Cook County, Illinois, Law Division, Case. No 2019 L 005106. See Exhibit 2 (Process).

7. This Notice of Removal is timely because it is being filed within thirty (30) days from the date the most recent defendant was served with the summons and Complaint. *See* 28 U.S.C. § 1446(b).

8. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being filed with the Clerk of the Circuit Court of Cook County, Illinois, as well as being mailed to all adverse parties.

WHEREFORE, William Moser, Henry Leja, John Byrne, and Jerome Rusnak, with the consent of Defendants Anthony Maslanka, John Paladino, Victor Breska, and the City of Chicago, respectfully request that this action be removed, without waiver of procedural or substantive defenses, from the Circuit Court of Cook County, Illinois, to the United States District Court for the Northern District of Illinois.

Respectfully submitted,

By: /s/ Shawn W. Barnett

Attorney for Defendants Maslanka, Moser, Byrne,
Paladino, Leja, Rusnak, and Breska

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CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2019, I electronically filed the foregoing Notice of Removal with the Clerk of the Court using the ECF system. A copy of which will be mailed to the addresses indicated and depositing the same in the U.S. Mail at 53 West Jackson, Chicago, Illinois 60604, with proper postage prepaid.

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/s/ Shawn W. Barnett